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March 7, 2006

The Honorable Kent A. Jordan
United States District Court
844 King Street
Wilmington, DE 19801

VIA ELECTRONIC FILING

Re: Wayne Van Scoy v. Van Scoy Diamond Mine of Delaware, et al.,
C.A. No. 05-108-KAJ

Dear Judge Jordan:

On behalf of plaintiff Wayne Van Scoy, we hereby respectfully submit the Proposed Final Pretrial Order in this action, which includes the materials submitted by lead counsel for defendants, but has not been approved by defendants for filing. Although we provided defendants' with a complete draft of the proposed pretrial order on Thursday March 2, 2006 (pursuant to the schedule agreed upon by the parties), we did not receive defendants' comments to the draft pretrial order until 3:30 this afternoon, along with ten newly designated exhibits and the terse instruction: "The Proposed Pretrial Order is attached. Please proceed with filing it." Because the bulk of the defendants' proposed last-minute changes were objectionable, and having been left with no time to negotiate mutually acceptable language, we spent the next couple of hours revising the draft pretrial order to incorporate the defendants' proposed statements along with those of plaintiffs. Having completed that task, we discovered that defendants' counsel apparently had left for the day, as all attempts to contact them by telephone and email have gone unanswered. Mindful that the Court's deadline for submission of the Proposed Pretrial Order was today, we have done our best to present the materials in a manner which we hope will be useful to the Court and fair to both parties.

Respectfully,

/s/ John G. Day

John G. Day

JGD/nml
167360.1

c: Sharon Oras Morgan, Esquire (via electronic mail)
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